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November 16, 2004

**SUMMARY OF  
*EX PARTE* PRESENTATION**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWA325  
Washington, DC 20554

**Re: New Part 4 of the Commission's Rules Concerning Disruptions to  
Communications, ET Docket No. 04-35**

Dear Ms. Dortch:

On November 15, David Kanupke and James W. Olson, representing the United States Telecom Association (USTA), Karen Possner, representing BellSouth Corporation, and James K. Smith, representing SBC Telecommunications, Inc., met with Sam Feder, Legal Advisor to Commissioner Kevin Martin. Participating in the meeting via teleconference were Ed Krachmer, Barbara Bouley, John Wissey and Dennis Killburg, representing Iowa Telecommunications Services, Wendy Wheeler, representing AllTel Corporation, and Rob Binder, representing Frontier-Citizens ILECs (Frontier). The purpose of the meeting was to discuss service outage disruptions, ET Docket No. 04-35.

USTA and the company representatives provided evidence of the significant economic and administrative burdens that would be imposed on USTA members by the new reporting requirement that wireline local exchange carriers must report as outages those non-customer affecting events in which a DS3 that is part of a Synchronous Optical Network ring switches to protect mode (referred to herein as a "DS3 simplex event"). We provided evidence of the significant economic and administrative burdens that the new reporting requirement would impose on USTA's member companies. The first five of the companies named above estimate the combined costs of complying with the DS3 simplex portion of the order alone will approach \$80 million. In addition, these companies estimate that they will be required to file thousands of annual reports on DS3 simplex events, even though only a minute percentage of these events will impact customers.

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In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's rules, I am filing this letter electronically with your office for inclusion in the public record. Please feel free to telephone me at (202) 326-7321 with any questions.

Sincerely,

*David Kanupke*

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David Kanupke  
Director, National Security

cc: Sam Feder